UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.5/50/45
13 December 1995

ORIGINAL: ENGLISH

Fiftieth session
FIFTH COMMITTEE
Agenda item 116

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

Revised estimates under section 2, Political affairs, section 32, Staff assessment, and income section 1, Income from staff assessment

International Commission of Inquiry in Burundi

Report of the Secretary-General

I. INTRODUCTION

1. The Secretary-General acting upon the request of the Government of Burundi, which had called for the establishment of an international judicial commission of inquiry (see S/1995/190, annex), dispatched a Special Envoy, to Bujumbura from 28 June to 9 July 1995, to discuss with the Government options for addressing the problem of impunity. The Special Envoy, having examined various options, concluded that an international commission of inquiry could be a viable and useful approach. The Secretary-General, in his letter to the President of the Security Council dated 28 July 1995 (S/1995/631), to which was attached the report of his Special Envoy, recommended, inter alia, that the Security Council adopt a resolution establishing such a commission. The Security Council, on 28 August 1995, adopted resolution 1012 (1995), by which, under the terms of paragraphs 1, 2, 4, 7 and 8, it:

(a) Requested the Secretary-General to establish, as a matter of urgency, an international commission of inquiry, with the following mandate:

(i) To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence that followed;

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(ii) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to bringing to justice persons responsible for those acts, to prevent any repetitions of deeds similar to those investigated by the Commission and, in general, to eradicate impunity and promote national reconciliation in Burundi;

(b) Recommended that the International Commission of Inquiry be composed of five impartial and internationally respected experienced jurists who would be selected by the Secretary-General and would be furnished with adequate expert staff and that the Government of Burundi be duly informed;

(c) Requested the Secretary-General to report to the Council on the establishment of the Commission of Inquiry and, within three months from the establishment of the Commission of Inquiry, to submit an interim report to the Council on the work of the Commission and to submit a final report when the Commission completed its work;

(d) Requested the Secretary-General to provide adequate security for the Commission in cooperation with the Government of Burundi;

(e) Requested the Secretary-General to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the Commission of Inquiry.

2. In order to act on Security Council resolution 1012 (1995), the concurrence of the Advisory Committee on Administrative and Budgetary Questions was sought on 26 September 1995, to enter into commitments, not exceeding $1,474,400 gross (or $1,398,000 net of staff assessment), under the terms of General Assembly resolution 48/229 of 23 December 1993 on unforeseen and extraordinary expenses for the biennium 1994-1995, to meet the cost of the establishment of the International Commission of Inquiry, including an appropriate provision for support staff and operational costs for the period from 1 October to 31 December 1995.

3. The Advisory Committee on Administrative and Budgetary Questions, on 5 October 1995, concurred with the Secretary-General entering into commitments in an amount not exceeding $1,100,000 on the understanding that revised estimates would be presented through it to the General Assembly before December 1995.

II. ESTABLISHMENT AND PROGRAMME OF WORK OF THE INTERNATIONAL COMMISSION OF INQUIRY IN BURUNDI

4. On 15 September 1995, the Secretary-General appointed five internationally respected jurists as members of the Commission. The jurists, recruited on a consultancy basis for a period of up to six months, have a Chairman appointed at a level equivalent to Assistant Secretary-General, while other members of the Commission are appointed at a level equivalent to D-2.

5. The Commission established its offices in Bujumbura, on 12 September 1995. The Office of the Special Representative of the Secretary-General in Burundi, whose mandate differs from that of the Commission, is seen as the Secretary-General's good offices mission, which reaches out to all leaders in Burundi to ensure their support for the Convention on governance, while the Commission, in carrying out its mandate, may be placed in the position of investigating some leaders and hence may be viewed with hostility. The Commission met in Geneva for four days in October 1995, before proceeding to Bujumbura, where it arrived on 29 October 1995. The Commission is supported by the Department of Political Affairs. It will also liaise with the Office of Legal Affairs at United Nations Headquarters on all legal matters affecting its work.

6. The programme of work the Commission is expected to undertake is as follows:

(a) Ascertain the facts relating to the assassination of the President of Burundi on 21 October 1993; carry out investigations and interviews and analyse available documentation to that end; and establish responsibility for the assassination, determine the impact the assassination had on the people of Burundi and recommend action to be taken against its perpetrators;

(b) Establish the facts relating to the massacres that took place in the aftermath of that assassination, as well as to the cycle of violence that has plagued Burundi since October 1993; investigate those acts, establish responsibility and make recommendations regarding action to be taken against those responsible for the violence;

(c) Establish the facts relating to the impact of the violence on the political situation in Burundi and evaluate the role and involvement in it of government institutions (legislative, executive, judiciary, military, police, etc.), political parties and organizations and their substructures, the media (radio, press), other relevant institutions and Burundian individuals in and outside the country;

(d) Collect and analyse substantiated information on the acts described above from relevant sources within and outside Burundi and report on its work, as requested by Security Council resolution 1012 (1995), within three months from the establishment of the Commission, and thereafter upon completion of its work.

7. In carrying out its programme of work, it is envisaged that the Commission would:

(a) Closely liaise and cooperate in its endeavour with the Government of Burundi, all relevant political forces in the country, the diplomatic community, United Nations bodies and agencies, other intergovernmental and non-governmental organizations inside and outside Burundi and other groups and individuals it may deem appropriate and/or necessary to assist in its work;

(b) Coordinate with the Government of Burundi issues pertaining to its free movement, independence and security within the country. Establish

mechanisms that guarantee the implementation of the provisions contained in paragraphs 5 and 7 of resolution 1012 (1995);

(c) Consult with Governments, organizations, individuals and others outside Burundi. For that purpose, it is expected that travel to neighbouring countries and other Member States would be required.

III. REQUIREMENTS OF THE INTERNATIONAL COMMISSION OF INQUIRY

8. Upon the establishment of the Commission, given its mandate, it was estimated that provisions would be required for six months for the period from 1 October 1995 to 31 March 1996. The estimates of $1,100,000 for three months in 1995 and $1,203,000 for three months in 1996, summarized in paragraph 20 below, are detailed in the annex to the present report. The following paragraphs provide job descriptions for the staff required and brief explanations of other resource requirements. The estimates of $256,500 for 1995 and $227,600 for 1996 under consultants would provide for the fees and travel of the five jurists and Chairman of the Commission.

9. The staffing of the Commission, estimated at $245,600 for 1995 and $287,400 for 1996, would consist of an Executive Secretary at the D-1 level, 1 Administrative Officer (P-4), 1 Finance Assistant (General Service (principal level)), 3 secretaries (General Service, other level), 8 security officers (Security Service), 1 radio operator/repair technician (Field Service), and 19 local level personnel (11 drivers, 2 night watchpersons, 1 cleaner, 4 interpreters for the Kurodi language and 1 messenger).

10. The Executive Secretary would have overall responsibility for the administration of the Commission and would advise its members on all operational matters related to its work. He would assist the Commission in its contacts with the Government of Burundi, leaders of the Army and of political parties, other individuals in the political arena, members of the civil society, as well as States Members of the United Nations. He would monitor and follow up political developments in Burundi, in close consultation with the Special Representative of the Secretary-General, provide early warning to the members of the Commission and serve as the link between the Commission's members and United Nations Headquarters and the United Nations system as a whole.

11. The functions of the other staff of the Commission are as follows:

(a) One Administrative Officer at the P-4 level would, under the supervision of the Executive Secretary, be responsible for providing effective administrative, financial and logistics support services to the members of the Commission in accordance with established policies and procedures. Responsibilities include provision and effective functioning of support services, advice and assistance on administrative policies, control and accounting for all United Nations properties, ensuring that local purchases and contracts for services are strictly in accordance with directives and guidelines, control and operation of petty cash imprest account, supervision of administrative staff and overseeing the keeping of attendance records, facilitating arrival and departures of civilian staff and VIPs, liaison with

other United Nations organizations, missions and agencies on matters of mutual interest and concerns, particularly on security-related questions and other duties as requested by the Executive Secretary;

(b) One Finance assistant at the General Service (principal level) who, under the supervision of the Administrative Officer, would control the mission's imprest account, review financial records to ensure adherence to approved allotments, prepare payroll in respect of mission personnel, maintain financial reports, prepare financial data, administer petty cash funds, maintain the mission's bank accounts and perform other duties assigned by the supervisor;

(c) Three secretaries at the General Service (other level), who are required to be bilingual in view of the multiplicity of documents the Commission is expected to review and process;

(d) Eight security officers, whose functions would include implementing the security plan, assessment of local security conditions, modalities for reporting information, emergency communications and office and residential security; and providing personal security detail for the Commission members as well as support staff;

(e) A Field Service staff member, who would serve as radio operator/repair technician.

With respect to local staff requirements, 6 more than originally estimated, they would provide for 4 interpreters to interpret into and from the local language, Kurodi, 11 drivers who would double as security guards for the fleet of vehicles assigned to the mission, 2 night watchpersons to ensure the security of the building and 1 cleaner.

12. The services of five individuals have been contracted on special service agreements, in view of the urgency of implementing Security Council resolution 1012 (1995), since Secretariat staff could not immediately be identified who met requirements to serve on the mission, such as fluency in both English and French. These individuals would assist in the implementation of the programme of work of the Commission, in the area of political affairs, investigation, legal services, security services and secretarial services.

13. In the area of political affairs, the work involves assessment and analysis of political developments in Burundi that might affect the work of the Commission; preparation of relevant briefs and background information for the members of the Commission; preparation, support and follow-up of official missions of members of the Commission outside the mission area and liaison with the office of the support team; and support to negotiations, meetings and interviews.

14. In the area of legal services, the work involves provision of legal advice, research and analysis regarding (a) the discharge of the mandate of the Commission of Inquiry; (b) the interpretation of applicable rules of law, particularly international law and Security Council resolutions, mandates, and decisions; and (c) applicable General Assembly resolutions and other decisions, regulations, rules, procedures and practices of the United Nations. In

undertaking such legal research, analyses and services, liaison with and guidance from the Legal Counsel of the United Nations will be sought to ensure appropriate legal interpretation of legal issues by the Commission of Inquiry and the Office of Legal Affairs on all legal issues.

15. In the area of security, duties include preparing, rendering operational and implementing the security plan; assessment of local security conditions; modalities for reporting information; liaising with local authorities; emergency communications; office and residential security; inter-agency coordination for security management, training and financial planning for security purposes; and consultation with the United Nations Designated Official for Security in Burundi, who is accountable for the overall security of all United Nations staff and property.

16. In the area of investigations, work involves review of facts relating to the massacres that took place in the aftermath of the assassination, investigations of such acts, protection of evidence, establishment and review of lists of witnesses and analysis of substantiated information on atrocities committed.

17. The offices of the Commission have for security reasons been relocated to premises, other than those it initially occupied. It has also been found necessary, upon the recommendation of the Security Coordinator, to upgrade the building security through the installation of concertina wires and protective window film on all windows and raising the walls up to 3 metres around the building; hence the increase in the requirements for premises from $22,900 for 1995 to $41,300 for 1996.

18. With respect to other travel of staff, the requirements for 1996 are predicated on an assessment of the situation in Burundi. The Commission members have thus far visited only 2 of the 15 provinces of Burundi and it is expected that they will undertake visits to the remaining provinces. They will be accompanied by support staff as well as local staff, who serve as interpreters on all visits. It is expected that the Commission will pay visits to the United Republic of Tanzania, Kenya, Uganda, Zaire and Rwanda, as well as other countries. Travel to and from the mission area, for which requirements are estimated at $10,400 for 1996, and mission subsistence allowance estimated at $204,200 for 1996 are explained in the attached annex.

19. Explanations for rental of aircraft, communications, maintenance of equipment, miscellaneous services and petrol, oil and lubricants requirements are provided in the attached annex. Vehicles and office equipment were transferred from the United Nations Assistance Mission for Rwanda (UNAMIR) to meet the initial requirements of the Commission as follows: 10 vehicles (5 for the 5 jurists, 1 for the Executive Secretary, 1 to be shared among 3 Professional officers, 1 for the use of the administrative Officer, 1 for use of 3 security personnel and 1 as standby and back-up), 3 INMARSAT telephones and several computers, laptops and printers.

20. The estimated costs of the Commission in 1995 and 1996 can be summarized as follows:

	For the period		
	1 October-31 December 1995 $	1 January-31 March 1996 $	Total $
General temporary assistance	245 600	287 400	533 000
Consultants	256 500	227 600	484 100
Personal service contracts	97 000	168 000	265 000
Mission subsistence allowance	120 900	204 200	325 100
Travel to/from mission area	76 500	10 400	86 900
Other travel of staff	44 700	90 200	134 900
Premises	22 900	41 300	64 200
Rental of aircraft	48 000	67 200	115 200
Communications	60 000	60 000	120 000
Maintenance of equipment	-	5 300	5 300
Miscellaneous services	45 300	9 300	54 600
Petrol, oil and lubricants	7 600	11 100	18 700
Acquisition of equipment	75 000	21 000	96 000
Total (net of staff assessment)	1 100 000	1 203 000	2 303 000
Staff assessment	69 000	56 800	125 800
Grand total	1 169 000	1 259 800	2 428 800

21. In response to paragraph 8 of Security Council resolution 1012 (1995), the Trust Fund for the Commission of Inquiry in Burundi was established on 1 September 1995. The Fund, established to supplement the financing of the Commission of Inquiry from the regular budget of the United Nations, has to date received contributions from one Member State.

IV. CONTINGENCY FUND

22. The Secretary-General is of the view that the activities relating to the Commission are of an extraordinary nature and its related requirements should therefore be treated outside the procedures associated with the contingency fund, as provided for in paragraph 11 of annex I to General Assembly resolution 41/213 of 19 December 1986.

V. ACTION REQUIRED BY THE GENERAL ASSEMBLY

23. The estimated costs of the International Commission of Inquiry in Burundi, summarized in paragraph 20 above for the six-month period from 1 October 1995 to 31 March 1996 are $2,303,000, net of staff assessment. With respect to the period from 1 October to 31 December 1995, as indicated in paragraph 3 above, the Advisory Committee on Administrative and Budgetary Questions had concurred with the Secretary-General's request to enter into commitments not exceeding $1,100,000, net of staff assessment, under the terms of the General Assembly resolution 48/229 on unforeseen and extraordinary expenses for the biennium 1994-1995. Accordingly, an appropriation request has been made in the second performance report for the biennium 1994-1995 (A/C.5/50/21) for $1,100,000, net of staff assessment, estimated at $69,900, to provide for the establishment of the International Commission of Inquiry in Burundi, including provision for its support staff and operational costs.

24. With regard to the biennium 1996-1997, an additional appropriation of $1,203,000 would, therefore, be required under section 2, Political affairs, for the period from 1 January to 31 March 1996 for the Commission. Related to the requirements are provisions for staff assessment for which an additional appropriation of $56,800 would also be required under section 32, Staff assessment, to be offset by the same amount under income section 1, Income from staff assessment.

Annex

REVISED COST ESTIMATES FOR THE PERIOD 1 OCTOBER 1995 TO 31 MARCH 1996

Supplementary information

(In United States dollars)

		1995	1996
1.	General temporary assistance Provision is made for civilian international and local staff described in paragraphs 10 and 11 of the report. It would cover salary and common staff costs for international and local staff.	245 600	287 400
2.	Consultants Requirements provide for fees and travel of five jurists, consisting of one chairperson at the assistant secretary-general level and four members at a level equivalent to D-2.	256 500	227 600
3.	Personal service contracts In view of the urgency attached to the establishment of the Commission and the unavailability of Secretariat staff, the services of five individuals are needed to assist the Commission in carrying out its mandate.	97 000	168 000
4.	Mission subsistence allowance In the light of the security situation in Burundi and particularly because of the sensitive nature of the activities of the Commission, the Security Coordinator has recommended that all international civilian staff be accommodated at the Hotel Source du Nil, where, in addition to the Security Officers, armed gendarmes provide security. The mission subsistence allowance applicable for the Commission and payable to international civilian staff is $162 per day, with a supplement of 40 per cent and 15 per cent at the assistant secretary-general and D-2/D-1 levels, respectively.	120 900	204 200
5.	Travel to and from mission Provision is made for the travel on assignment and return travel of individuals on personal service contracts and international civilian personnel.	76 500	10 400

		1995	1996
6.	Other travel A preliminary assessment of the situation in Burundi reveals that it will be necessary for jurists and support staff to travel outside and within Burundi to gather evidence and statements from individuals/witnesses and for consultations with experts to evaluate and analyse the statements/evidence gathered. Provision is also made for the planning mission in 1995, as well as for consultative missions to Headquarters.	44 700	90 200
7.	Premises The nature of the mandate of the Commission requires tighter security measures being instituted; hence, the Commission has, since its establishment, relocated its offices to other premises. The provision would cover a monthly rental charge of $5,000, utilities requirements of $900 and maintenance of premises estimated at $1,150 a month. At the recommendation of the Security Coordinator, provision is also made for upgrading the security of the office premises, i.e. raising the wall around the office to 3 metres ($2,000), installation of concertina wires ($18,000) and protective window film for all office windows ($3,000).	22 900	41 300
8.	Rental of aircraft Arrangements were made with UNAMIR for the use of a helicopter within Burundi for the collection of testimony, witnesses, etc. Flying time is estimated at 10 and 14 flying hours per month for 1995 and 1996 respectively at a cost of US$ 1,600 per flying hour.	48 000	67 200
9.	Communications Provision of $72,000 is made for commercial satellite communications charges at 1,200 minutes per month at $10 per minute; $30,000 is estimated for mobile phones, facsimiles, pouch, telex, etc. at a cost of $5,000 per month and for VHF radios and cellular telephones essential for secure communication at $18,000.	60 000	60 000
10.	Maintenance of equipment These estimates would cover the maintenance of office and transportation equipment.	-	5 300

		1995	1996
11.	Miscellaneous services Requirements under this line include $30,000 freight charges for the transfer of 10 4-wheel-drive vehicles, from surplus stock in other missions; $2,600 vehicle insurance for a full fleet of 13 vehicles; $6,000 for hospitality expenses; $16,000 for other miscellaneous services such as security within and outside the hotel and office premises and other freight charges.	45 300	9 300
12.	Petrol, oil and lubricants Vehicles assigned to the Commission consist of 10 4-wheel-drive-vehicles, 2 mambas (armoured vehicles) and 1 bus. It is envisaged that the armoured vehicles would be utilized for road travel outside Bujumbura. The consumption of petrol by the armoured vehicles would be significant. Provision relates therefore to petrol, oil and lubricants for the 13 vehicles.	7 600	11 100
13.	Acquisition of equipment Resources proposed would provide for the acquisition of office furniture such as desks, chairs, filing cabinets ($36,400), fax machines, shredders, photocopier, computers, laptops and printers, scanner, refrigerators, portable tape recorders, dictaphones, and other miscellaneous equipment such as fire extinguishers, lamps, etc. ($59,600).	75 000	21 000
	Total	1 100 000	1 203 000
14.	Staff assessment This provision is made in accordance with standard rates in standard salary cost version 48/01 for 1995.	69 000	56 800
15.	Income from staff assessment	(69 000)	(56 800)